IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

Crl.Rev.Pet.No. 662 of 1998()

CRA.56/1992 of SESSIONS COURT, MANJERI
CC.271/1991 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, PERINTALMANNA

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REVN. PETITIONER:

ILLIKKAL UMMER, AGED 35 YEARS, S/O. MOHAMMED, TRIKKALANGODE AMSOM, KARAKKUTHE DESOM, MALAPPURAM DISTRICT.

BY ADV. SRI.TPM.IBRAHIM KHAN
SRI.M.M.ABBAS ALI

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE DIRECTOR GENERAL OF PROSECUTION, HIGH COURT OF KERALA, ERNAKULAM, KOCHI - 682 031.

BY ADV. SRI. C.M. KAMMAPPU, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 12/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL. M.P.NO. 3443/1998 IN CRL. R.P.NO. 662/1998

DISMISSED

12.04.2007 SD/- K.R. UDAYABHANU, JUDGE.

/True Copy/

P.A to Judge.

K.R. UDAYABHANU, J

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CRL. R.P. NO. 662 OF 1998

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Dated this the 12th day of April 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 279, 337, 338 and 304-A of the Indian Penal Code and sentenced to pay a fine of Rs.500/- and in default to undergo simple imprisonment for one month for the offence under Section 279 IPC, a fine of Rs.1,000/- and in default to undergo simple imprisonment for two months for the offence under Section 337 IPC and to undergo simple imprisonment for six months for the offence under Section 338 IPC and simple imprisonment for one year and to pay a fine of Rs.2,000/- for the offence under Section 304-A IPC and in default to undergo simple imprisonment for four months.

2. The prosecution case is that on 16.05.1991 at about 8.30 a.m. the accused drove a stage carrier bus with Reg. No. KLM 9547 though the Perinthalmanna-Malappuram public road in a rash and negligent manner so as to endanger human life and that the bus overturned and two of the passengers succumbed to the injuries and died and two others sustained grievous injuries.

3. The evidence adduced in the matter consisted of the testimony of PWs1 to 18, Exts. P1 to P24. On a consideration of the evidence adduced in the matter the courts below have found that the prosecution allegations stood proved. I find that the judgments of the courts below are based on firm reasoning. The counsel for the revision petitioner has only sought for leniency pointing out that the incident had taken place in May 1991 and that for the last more than 15 years, the accused has been facing the criminal proceedings. In the circumstances, conviction of the accused is confirmed. The sentence imposed under Section 304-A is modified to pay a fine of Rs.50,000/- and in default to undergo simple imprisonment for six months. The fine if realised shall be paid in equal shares to the legal heirs of the deceased. No separate sentence is to be imposed for the rest of the offences.

The revision petition is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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